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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,083	01/25/2002	Terry Chou	12675 B	8107

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03/22/2004

Charles E. Baxley
59 John Street
New York, NY 10038

EXAMINER

WELCH, GARY L

ART UNIT

PAPER NUMBER

3765

6

DATE MAILED: 03/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

10/055,083

Examiner

Gary L. Welch

Applicant(s)

CHOU, TERRY

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-13 and 15-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-26 is/are allowed.
- 6) ☒ Claim(s) 1-3, 8-12, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 4, 6, 7, 13, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment, filed 5 February 2004, has been reviewed and considered. Pages 19-20 of the amendment indicate that objected claims 4, 6, 7, 13, 15 and 16 are presented as new independent claims 21-26. Therefore, new independent claims 21-26 are allowed. Applicant traverses the 35 U.S.C. 102(e) rejections to claims 1, 8-10, 17 and 18 and being anticipated by Chiang (U.S. 6,276,794) and the rejections to claims 2, 3, 11 and 12 as being unpatentable over Chiang (U.S. 6,276,794) in view of Jacobs (U.S. 4,973,212) for the reasons indicated on pages 21-22 of the amendment. However, after reviewing the applicant's arguments/reasons pertaining to the prior art rejections, the examiner is not persuaded since the prior art rejections disclose all structural limitations as claimed. Therefore, the previous prior art rejections of the Office Action dated 21 November 2003 are maintained and are reproduced below.

Claim Rejections - 35 USC § 102

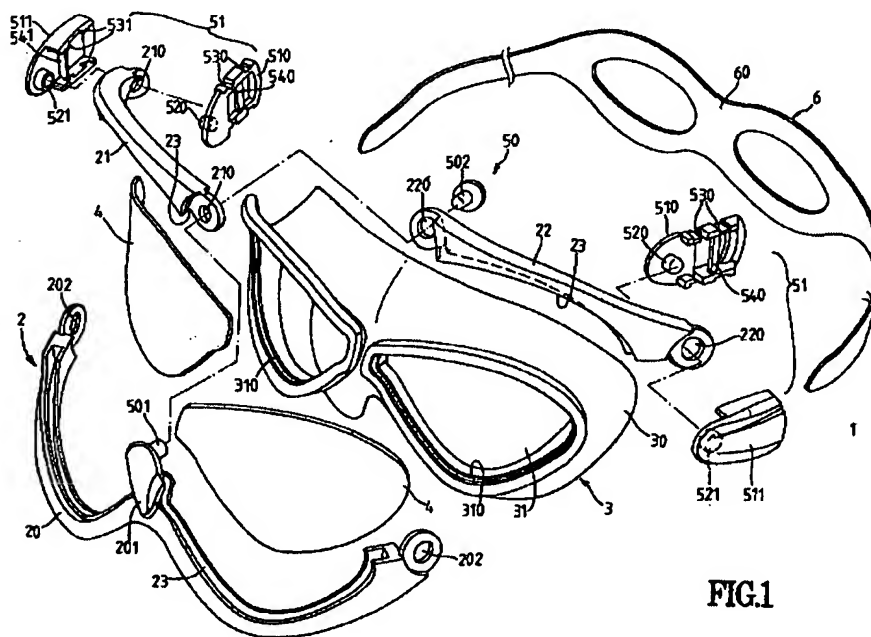
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 8-10, 17 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Chiang (U.S. 6,276,794).

Chiang discloses a lens/frame assembly for swimming goggles having a frame 2 made of a rigid material with slight flexibility and a lens holding compartment 23 having a bridge portion (see figure below) in the middle thereof. The bridge portion has an upper wall and a lower wall. Two lenses 4 are tightly received in the lens-holding compartment 23 of the frame 2. A connecting block 201 is securely received in the bridge portion of the lens-holding compartment 23 and securely mounted to the frame 2 to thereby securely retain the lenses 4 in place. The connecting block 201 connects the upper wall and the lower wall of the bridge portion.



With regard to claims 8 and 17, the bridge portion of the frame 2 comprises two engaging pieces 502 respectively formed on an upper wall and a lower wall of the bridge portion. Each engaging piece 502 includes a peg, the connecting

block comprises two engaging holes (see figure above) and each peg 502 extends through an associated one of the engaging holes of the connecting plate 201.

With regard to claims 9 and 18, the connecting plate 201 is securely attached between the lenses 4.

With regard to claim 10, the invention is substantially disclosed above.

Furthermore, the swimming goggles include a strap 6 and padding members 30 that engages the lenses 4. The lenses 4 have flanges that are tightly received within the holding compartment 23.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 3, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang (U.S. 6,276,794) in view of Jacobs (U.S. 4,973,212).

Chiang discloses the invention substantially as claimed above.

However, Chiang does not disclose that the connecting block comprises two pegs each having a snapping head with a diameter slightly greater than an inner diameter of an associated engaging hole and wherein the snapping head restores it's shape after it has passed through an associated engaging hole.

Art Unit: 3765

Jacobs teaches a snap-in fastener for securing an object to an apertured support. The fastener 10 has a shank 12, a snapping head 14 having a diameter slightly greater than an inner diameter of an associated engaging hole 22 so as to ensure that an object is securely engaged with an apertured object to prevent inadvertent separation therebetween (Col. 3, lines 24-59). It is well known in the art that various types of fastening mechanisms are functionally equivalent and may be used interchangeably depending upon the desired aesthetic effect. Therefore, the fastener 10 of Jacobs is functionally equivalent to the fastening mechanism of Chiang.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the pegs 501 and rivet 50 of Chiang with a fastener having a shank and enlarged head portion as taught by Jacobs since it is well known in the art that various types of fastening mechanisms are functionally equivalent and may be used interchangeably depending upon the desired aesthetic effect.

With regard to claim 3, the connecting plate 201 is securely attached between the lenses 4.

With regard to claims 11 and 12, the invention is disclosed in the above rejections.

Allowable Subject Matter

6. Claims 4, 6, 7, 13, 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 19-26 are allowed.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

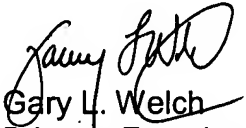
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (703) 305-0451. The examiner can normally be reached on Mon-Fri 5:30-3:00.

Art Unit: 3765

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (703) 305-1025. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.


Gary L. Welch
Primary Examiner
Art Unit 3765

glw